

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture & Commerce		CONTACT PERSON Paige Manning		TELEPHONE NUMBER (601)359-1100	
ADDRESS P.O. Box 1609		CITY Jackson		STATE MS	ZIP 39215 -1609
EMAIL paige@mdac.ms.gov	SUBMIT DATE 12/2/2013	Name or number of rule(s): Title 2, Part 501, MDAC Rules, Subpart 5, Central Market Board, Chapter 05 Rules Governing The Farmers' Market			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The amendment revises requirements for protests or demonstrations at the Market.

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 69-1-1 et seq. & 69-7-109*

List all rules repealed, amended, or suspended by the proposed rule: Rule 104, Operating Guidelines

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

X Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. X Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Andy Prosser, Deputy Commissioner

Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by _____ #20196	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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ADDRESS P.O. Box 1609	CITY Jackson	STATE MS	ZIP 39215-1609
EMAIL paige@mdac.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Mississippi Farmers Market (Central Market Board) Rules and Regulations		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. §§ 69-1-1 et seq. & 69-7-109		Reference to Rules repealed, amended or suspended by the Proposed Rule: Rule 104, Operating Guidelines	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: The revised regulation will add clarity to an existing regulation and will address procedures of how the Mississippi Farmers Market will deal with request to hold public demonstrations on state property. The amendment will allow for freedom of speech while not infringing on shoppers.
2. Briefly describe the need for the proposed rule: The proposed action will better clarify a current regulation regarding the engagement of protest and public demonstrations by the public on the grounds of the Mississippi Farmers Market. The amendment defines the distance from the building that demonstrations can occur, maximum number of demonstrators, and sign restrictions.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare: The proposed actions will make demonstrating at the Farmers Market safer.
4. Estimated Cost of implementing proposed action:
 - a. To the agency
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
 - c. Cost:
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - d. Economic Benefit:
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
6. Estimated impact on small businesses:
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation: 0
- b. Projected costs for small businesses to comply: None.
- c. Statement of probable effect on impacted small businesses: This proposed action will not impact small businesses.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

- ☐ substantially less than ☐ moderately less than ☐ minimally less than
☒ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

- ☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☒ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

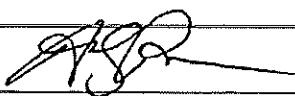
1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
☐ yes ☒ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. No data was consulted. Methodology was common sense.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Comments should be submitted to the Mississippi Department of Agriculture & Commerce, Attn: Paige Manning, P.O. Box 1609, Jackson, MS 39215-1609.

SIGNATURE		TITLE	Andy Prosser, Deputy Commissioner
DATE	12/2/2013	PROPOSED EFFECTIVE DATE OF RULE	1/31/2014